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| EXAMINER |
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JONES, SCOTT E

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| ART UNIT | PAPER NUMBER |
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3713

DATE MAILED: 03/31/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,213

Applicant(s)

TESSMER ET AL.

Examiner

Scott E. Jones

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 91-122 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 91-122 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on December 29, 2003 in which applicant cancels claims 1-90, adds new claims 91-122, submits replacement drawing sheets, and responds to the claim rejections. Claims 91-122 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 91-98, 101-114, 117-119, and 121-122 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagao et al. (U.S. 5,645,486).

Nagao et al. discloses a progressive gaming system in which a lottery is performed with a winning probability corresponding to the amount of coins that a player has bet, so that all players have a chance to receive the progressive bonus in the lottery when getting a predetermined winning combination. Additionally, Nagao et al. discloses:

Regarding Claim 91:

- receiving a wager from a player (Abstract, Figures 14, 17, 18, Column 2, lines 33-38, and Claim 1);
- displaying an image associated with a primary game (Column 2, lines 39-45, Column 3, line 60-Column 4, line 46, Column 11, lines 7-11, and Claim 1);

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- determining an outcome of the primary game (Column 3, line 63-Column 4, line 5, Column 11, lines 7-11);
- determining if a qualifying activity (trigger) associated with the primary game has occurred (Claim 1);
- associating at least one entry for a shared bonus event with a gaming entity if the qualifying activity associated with the primary game has occurred (Column 2, lines 39-45);
- permitting the player to place the at least one entry with one of a set of entries for a first shared bonus event and a set of entries for a second shared bonus event (Column 2, lines 39-45, and Column 13, line 66-Column 14, line 9); Given a depositing value of “2000”, the lottery times is supposed to be performed 50 times a day. Therefore, if a player plays a gaming machine(s) through at least two lottery cycles, then the player places at least one entry for each of the first shared bonus event and a second shared bonus event.
- selecting one of the entries from the set of entries for a first shared bonus event (Claim 1);
- determining a winner of the first shared bonus event according to the one of the entries selected (Claim 1);
- selecting one of the entries from the set of entries for a second shared bonus event (Claim 1); and
- determining a winner of the second shared bonus event according to the one of the entries selected (Claim 1).

Regarding Claim 92:

- the selection of one of the entries from the set of entries for a second shared bonus event occurs after the selection of the one of the set of entries for a first shared bonus event (Column 2, lines 39-45, Column 13, line 66-Column 14, line 9, and Claim 1). As described above, given a depositing value of “2000”, the lottery is supposed to be performed 50 times a day. Therefore, if a player plays a gaming machine(s) through at least two lottery cycles, then the player places at least one entry for each of the first shared bonus event and a second shared bonus event and the winner of the first lottery would be selected (in time) before the winner of the second lottery.

Regarding Claim 93:

- the one of the entries selected from one of the set of entries for a first shared bonus event and the set of entries for a second shared bonus event is the at least one entry associated with the gaming entity (Column 2, lines 39-45, Column 6, lines 53-58, and Claim 1).

Regarding Claim 94:

- storing the at least one entry in association with the player (Column 2, lines 39-45, Column 6, lines 53-58, and Claim 1).

Regarding Claim 95:

- associating the at least one entry with a gaming entity while the player is at a first gaming machine (Column 2, lines 39-45, Column 6, lines 53-58, and Claim 1);

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- storing the at least one entry in association with the player (Column 2, lines 39-45, Column 6, lines 53-58, and Claim 1); and
- placing the at least one entry with one of a set of entries for a first shared bonus event and a set of entries for a second bonus event while the player is at a second gaming machine (Column 2, lines 39-45, Column 6, lines 53-58, and Claim 1).

Regarding Claim 96:

- placing the at least one entry with the set of entries for a first shared bonus event (Column 2, lines 39-45, Column 6, lines 53-58, and Claim 1); and
- removing the at least one entry from the set of entries for a first shared bonus event (Column 2, lines 39-45, Column 6, lines 53-58, and Claim 1). This occurs when the first shared bonus event occurs and is paid.

Regarding Claim 97:

- placing the at least one entry with one of the set of entries for a first shared bonus event and the set of entries for a second shared bonus event at a later time (Column 2, lines 39-45, Column 13, line 66-Column 14, line 9, and Claim 1). As described above, given a depositing value of “2000”, the lottery is supposed to be performed 50 times a day. Therefore, if a player plays a gaming machine(s) through at least two lottery cycles, then the player places at least one entry for each of the first shared bonus event and a second shared bonus event and the winner of the first lottery would be selected (in time) before the winner of the second lottery.

Regarding Claim 98:

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- placing the at least one entry with the set of entries for a first shared bonus event while the player is at a first gaming machine (Column 2, lines 39-45, Column 13, line 66-Column 14, line 9, and Claim 1). As described above, given a depositing value of “2000”, the lottery is supposed to be performed 50 times a day.
Therefore, if a player plays a gaming machine(s) through at least two lottery cycles, then the player places at least one entry for each of the first shared bonus event and a second shared bonus event and the winner of the first lottery would be selected (in time) before the winner of the second lottery.
- removing the at least one entry from the set of entries for a first shared bonus event while the player is at a first gaming machine (Column 2, lines 39-45, Column 6, lines 53-58, and Claim 1). This occurs when the first shared bonus event occurs and is paid.; and
- placing the at least one entry with one of the set of entries for a first shared bonus event and the set of entries for a second shared bonus event while the player is at a second gaming machine (Column 2, lines 39-45, Column 13, line 66-Column 14, line 9, and Claim 1). As described above, given a depositing value of “2000”, the lottery is supposed to be performed 50 times a day. Therefore, if a player plays a gaming machine(s) through at least two lottery cycles, then the player places at least one entry for each of the first shared bonus event and a second shared bonus event and the winner of the first lottery would be selected (in time) before the winner of the second lottery.

Regarding Claim 101:

- depositing a portion of the wager into a prize pool to be provided to the winner of one of the first shared bonus event and the second shared bonus event (Abstract, Figures 1-6, Column 2, lines 45-49, and Column 9, lines 35-37).

Regarding Claim 102:

- receiving another wager from the player (Abstract, Figures 14, 17, 18, Column 2, lines 33-38, and Claim 1); and
- depositing a portion of the another wager into the prize pool to be provided to the winner of one of the first shared bonus event and the second shared bonus event (Abstract, Figures 1-6, Column 2, lines 45-49, and Column 9, lines 35-37).

Regarding Claim 103:

- receiving wagers from other players (Abstract, Figures 14, 17, 18, Column 2, lines 33-38, and Claim 1); and
- depositing a portion of the wagers received from the other players into the prize pool to be provided to the winner of one of the first shared bonus events and the second shared bonus event (Abstract, Figures 1-6, Column 2, lines 45-49, and Column 9, lines 35-37).

Regarding Claim 104:

- determining if another qualifying activity (trigger) associated with the primary game has occurred (Claim 1);
- associating at least one additional entry for a shared bonus event with the gaming entity if the another qualifying event associated with the primary game has occurred (Column 2, lines 39-45 and Claim 1); and

- permitting the player to place the at least one additional entry with one of a set of entries for a first shared bonus event and a set of entries for a second shared bonus event (Column 2, lines 39-45 and Claim 1).

Regarding Claim 105:

- repeating the steps of determining if another qualifying associated with the primary game has occurred, associating at least one additional entry, and permitting the player to place the at least one additional entry so long as the player is playing the primary game (Column 2, lines 39-45 and Claim 1).

Regarding Claim 106:

- associating a plurality of entries for a shared bonus event with a gaming entity if the qualifying activity associated with the primary game has occurred, the plurality of entries associated being proportional to the wager received (Column 11, line 63-Column 12, line 4 and Claim 1).

Regarding Claim 107:

- associating a plurality of entries for a shared bonus event with a gaming entity if the qualifying activity associated with the primary game has occurred, the plurality of entries associated being disproportionate to the wager received (Claim 1).

Regarding Claim 108:

- determining if qualifying activities (trigger) associated with primary games played by other players have occurred (Claim 1);

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- associating entries for a shared bonus event with other gaming entities if the qualifying activities associated with the primary games played by other players have occurred (Column 2, lines 39-45 and Claim 1);
- placing a portion of the entries associated with other gaming entities with the set of entries for a first shared bonus event (During first lottery period) (Column 2, lines 39-45, Column 6, lines 53-58, and Claim 1); and
- placing a portion of the entries associated with other gaming entities with the set of entries for a second shared bonus event (During a second lottery period) (Column 2, lines 39-45, Column 6, lines 53-58, and Claim 1).

Regarding Claim 109:

- the gaming entity comprises the player (Column 2, lines 39-45, Column 6, lines 53-58, and Claim 1).

Regarding Claim 110:

- the gaming entity comprises a gaming machine (Column 2, lines 39-45, Column 6, lines 53-58, and Claim 1).

Regarding Claim 111:

- the qualifying activity comprises one of a predetermined time, a passage of a fixed time interval, a particular game outcome (trigger), a placement of a selected number of wagers, and a placement of a wager of a certain amount (Claim 1).

Regarding Claim 112:

- determining if a first shared bonus event trigger has occurred (Claim 1);

- selecting one of the entries from the set of entries for a first shared bonus event if the first shared bonus event trigger has occurred (Claim 1);
- determining if a second shared bonus event trigger has occurred (Claim 1); and
- selecting one of the entities from the set of entries for a second shared bonus event if the second shared bonus event trigger has occurred (Claim 1).

Regarding Claim 113:

- the first shared bonus event trigger is different than the second shared bonus event trigger (Claim 1).

Regarding Claim 114:

- the first and second shared bonus triggers comprise at least one of a predetermined time, a passage of fixed time interval, a particular game outcome, a number of times a game is played, a placement of a certain wager, and a prize pool reaching a certain value (Claim 1).

Regarding Claim 117:

- providing a prize to the winner of at least one of the first and second shared bonus events at a gaming machine (Claim 1).

Regarding Claim 118:

- providing a credit amount to the winner of the at least one of the first and second shared bonus events at a gaming machine (Claim 1).

Regarding Claim 119:

- providing one of a token and a ticket to the winner of the at least one of the first and second shared bonus event at a gaming machine, the one of a token and a ticket being associated with a value prize (Claim 1).

Regarding Claim 121:

- the primary game is at least one of a reel-type game, a card game, a bingo game, a keno game, a raffle game and a lottery game (Abstract, Figures 1, 2, 4, 5, 6, Column 2, lines 39-45, Column 3, line 60-Column 4, line 46, and Claim 1).

Regarding Claim 122:

- the primary game is a slots game (Abstract, Figures 1, 2, 4, 5, 6, Column 2, lines 39-45, Column 3, line 60-Column 4, line 46, and Claim 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 99, 100, 115, 116, and 120 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagao et al. (U.S. 5,645,486) in view of DeFrees-Parrott et al. (U.S. 2001/0036855).

Nagao et al. discloses to one having ordinary skill in the art that as discussed above regarding claims 91-98, 101-114, 117-119, and 121-122. However, Nagao et al. seems to lack explicitly stating:

Regarding Claim 99:

- identifying the player uniquely; and
- storing the at least one entry in association with the uniquely identified player.

Regarding Claim 100:

- storing the at least one entry in association with the uniquely identified player in a centralized location.

Regarding Claim 115:

- receiving a shared bonus event trigger request from the player; and
- selecting one of the entries from one of the set of entries for a first shared bonus event and the set of entries for a second shared bonus event in response to the shared bonus event trigger received from the player.

Regarding Claim 116:

- determining a winner of one of the first shared bonus event and the second shared bonus event only if the one of the entries selected from the one of the set of entries for a first shared bonus event and the set of entries for a second shared bonus event is associated with the player.

Regarding Claim 120:

- associating a value prize with one of a player tracking account and a player tracking card of the winner of at least one of the first and second shared bonus events at a gaming machine.

DeFrees-Parrott et al. like Nagao et al. teaches of a lottery game associated with a casino game of chance. Therefore, DeFrees-Parrott et al. and Nagao et al. are analogous art.

Furthermore, DeFrees-Parrott et al. teaches of a method and system comprising at least one

casino game of chance and a lottery game device that provides a lottery game, providing a player with an opportunity to play the casino game, and providing the player an opportunity to play the lottery game upon the occurrence of a predetermined event during the play of the casino game of chance. DeFrees-Parrott et al. additionally teaches:

Regarding Claim 99:

- identifying the player uniquely (Paragraph 27); and
- storing the at least one entry in association with the uniquely identified player (Paragraph 27).

Regarding Claim 100:

- storing the at least one entry in association with the uniquely identified player in a centralized location (Paragraph 27).

Regarding Claim 115:

- receiving a shared bonus event trigger request from the player (Paragraphs 13-35); and
- selecting one of the entries from one of the set of entries for a first shared bonus event and the set of entries for a second shared bonus event in response to the shared bonus event trigger received from the player (Paragraphs 13-35).

Regarding Claim 116:

- determining a winner of one of the first shared bonus event and the second shared bonus event only if the one of the entries selected from the one of the set of entries for a first shared bonus event and the set of entries for a second shared bonus event is associated with the player (Paragraphs 13-35).

Regarding Claim 120:

- associating a value prize with one of a player tracking account and a player tracking card of the winner of at least one of the first and second shared bonus events at a gaming machine (Paragraphs 27 and 46).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the bonus trigger features of DeFrees-Parrott et al. in Nagao et al. One would be motivated to do so because each trigger feature gives a player an entry into a lottery game with an opportunity to win a large prize each time a player gambles or spends money making the gaming machines in a casino(s) more entertaining.

Response to Arguments

6. Applicant's arguments with respect to claims 1-90 have been considered but are moot in view of the cancellation of claims 1-90 and the addition of new claims 91-122.

7. Applicant's arguments, see page 11 and the replacement drawing sheets, filed December 29, 2003, with respect to figure 1 has been fully considered and is persuasive. The objection of figure 1 has been withdrawn.

8. Applicant's arguments, see pages 2, 3, and 14, filed December 29, 2003, with respect to the objection to the specification has been fully considered and are persuasive. The objection of the specification has been withdrawn.

Conclusion


9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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